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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5361 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

CONTEMPARY TARGET LTD.

Versus

BHARATBHAI CHIMANLAL PANDYA

Appearance:

1. Special Civil Application No. 5361 of 2001

MR PF ADHVARYU for Petitioner No. 1

MR MRUGAN PUROHIT for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 16/04/2002

ORAL JUDGEMENT

Rule. The learned counsel for the respondent waives service. After hearing the learned counsel for the petitioner and going through the entire elaborate impugned award, it was seen that the findings of fact

arrived at after appreciation of evidence could not be assailed as being perverse or otherwise illegal. The termination of service of the respondent having been found to be clearly illegal and unjustified, the order as regards reinstatement requires no interference. However, the learned counsel for the respondent fairly conceded that there was admission on record as regards the alternative employment as also as regards the actual income earned by the respondent and the reduction of only 25% in backwages was not proper. Accordingly, in the peculiar facts and circumstances of the case, the order as regards backwages is required to be modified so as to award 40% of backwages to the respondent.

In the result, the petition is partly allowed and the impugned order is modified to the extent that the respondent shall be entitled to 40% backwages instead of 75%. Rest of the award remains intact. Rule is made absolute accordingly with no order as to costs.

(D.H. Waghela, J.)

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